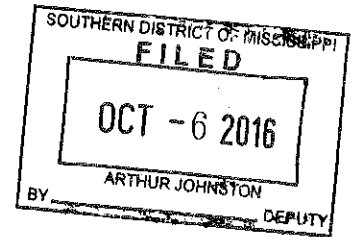


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



CAROLYN BRATTON

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:16cv784 CWR-FKB

WAL-MART STORES, INC.

DEFENDANTS

NOTICE OF REMOVAL

TO: Wm. Scott Mullennix
Cody W. Gibson
GIBSON & MULLENIX, PLLC
405 Tombigbee Street
Jackson, Mississippi 39201

Bradley S. Clanton
CLANTON LEGAL GROUP, PLLC
P.O. Box 4781
Jackson, Mississippi 39296

ATTORNEYS FOR PLAINTIFF

Zack Wallace
P.O. Box 327
Jackson, Mississippi 39205

HINDS COUNTY CIRCUIT CLERK

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant Wal-Mart Stores, Inc., hereby removes the above-styled action, *Carolyn Bratton vs. Wal-Mart Stores, Inc.*, from the County Court for the First Judicial District of Hinds County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division. Removing Defendant respectfully states unto the Court the following:

1.

In her Complaint, filed in this action, a copy of which is attached as Exhibit "A," Plaintiff Carolyn Bratton seeks to recover damages based on theories of negligence. Generally, Plaintiff alleges that Wal-Mart negligently failed to maintain its premises in a reasonably safe condition, warn her of any dangerous conditions, and to conduct reasonable inspections to discover dangerous conditions, among others, existing on the premises of Wal-Mart.

2.

The County Court for the First Judicial District of Hinds County, Mississippi, is within the United States District Court for the Southern District of Mississippi, Northern Division, to which this action is removable.

3.

The Plaintiff first filed her Complaint on September 14, 2016, and Defendant Wal-Mart was served with the Complaint on or about September 28, 2016. Thus, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446(b)(1) as it is filed within thirty (30) days of the receipt by Defendant of the Plaintiff's initial Complaint setting forth the claims for relief.

4.

On the face of the Complaint, complete diversity exists between the parties to this action. As the Complaint states, the Plaintiff is an adult resident citizen of Mississippi. *See*, Exhibit "A," at p. 1. Removing Defendant, Wal-Mart, is incorporated in the State of Delaware, with its principal place of business in the State of Arkansas.

5.

The allegations and nature of the demand in the Complaint seek damages in the amount of \$200,000. *See*, Exhibit "A." Consequently, the amount in controversy, exclusive of interest and

costs, in this action exceeds the jurisdictional requirement of \$75,000. 28 U.S.C. §1332. *See*, Exhibit "A."

6.

By filing this notice of removal, Defendant does not waive any defenses and expressly reserves any and all available defenses.

7.


Pursuant to 28 U.S.C. §1446(d), a copy of this notice of removal is being filed forthwith the County Court for the First Judicial District of Hinds County, Mississippi, and is being provided to all known counsel for Plaintiff.

8.

Pursuant to the Uniform Local Rules, Rule 5(b), a complete copy of the entire state court record is attached hereto as Exhibit "B."

WHEREFORE, this matter, filed in the County Court for the First Judicial District of Hinds County, Mississippi, is hereby removed to this Court, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

RESPECTFULLY SUBMITTED, this the 6th day of October, 2016.


JENNIFER M. STUDEBAKER (MSB #10433)
SIMINE BAZYARI REED (MSB # 101259)
JOSHUA A. LEGGETT (MSB #103901)

ATTORNEYS FOR WAL-MART STORES, INC.

OF COUNSEL:

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Facsimile: (601) 960-8613

CERTIFICATE OF SERVICE

I, the undersigned attorney, on behalf of Defendant Wal-Mart Stores Inc., do hereby certify that I have served by United States mail, postage prepaid, a true and correct copy of the above and foregoing document to Plaintiff's Counsel of Record at their usual business addresses:

Wm. Scott Mullenix
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ATTORNEYS FOR PLAINTIFF

This the 6th day of October, 2016.



JOSHUA A. LEGGETT (MSB #103901)